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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,204	06/01/2006	Koichi Machida	2006_0738A	2331
52349 7590 12/30/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
KHAN, ASHER R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,204

Applicant(s)

MACHIDA, KOICHI

Examiner

ASHER KHAN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/17/2009 have been fully considered but they are not persuasive.

In re page 8, lines 8-17, Applicants argue that Mizoguchi fails to disclose a retrieving unit operable to retrieve a title candidate, among title candidates prestored by a storage unit, that matches shooting time information and object information and a presentation unit operable to present character sequences, to a user, that are a combination of the title candidate retrieved by the retrieving unit and the shooting time information acquired by a shooting time acquiring unit.

In response the Examiner respectfully disagrees. Mizoguchi discloses a retrieving unit operable to retrieve a title candidate (Figs. 9A-9D; Golf or Party and etc) among the title candidates (Event , Fig. 9C or Golf or Party and etc) prestored by said storage unit, that matches the shooting time information (Fig. 9D, TIME 1993/01/22 12:28) and the object information (TIME, PERSON, PLACE OR OTHER DATA) (Col. 6, lines 10-37; Col. 8, lines 6-48); a presentation unit operable to present character sequences (Fig. 9A and 9B;), to a user, that are a combination of the title candidate (Figs. 9A and 9B, GOLF is a title candidate, and time information is 8:00 to 17:00 and January 22, 1993 which is presented to a user on display) retrieved by said retrieving unit and shooting time information (8:00 to 17:00 and January 22, 1993 or 1993/01/22/08:00-1993/01/22/17/00) acquired by said shooting time acquiring unit (Col. 8, lines 6-48).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Computer-readable recording medium is not disclosed in the specification. Specification only discloses a read only memory (ROM) that stores programs for controlling components of the recording apparatus (0054).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, and 5-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,805,215 to Mizoguchi.**

As to claims 1, 10, 11 and 12, Mizoguchi in integrated circuit for titling an acquired image and recording the acquired image and a title, said integrated circuit comprising:

a storage unit prestoring therein title candidates for images (Figs. 3, Golf and Party) and corresponding, information concerning time (Fig.4B, schedule [1], 1, 1993/01/22/08:00-1993/01/22/17/00) and objects of shooting (Fig. 4B, schedule [1], 2, Yoshida, Inoue, Goto; Col. 6, lines 21-37);

a shooting time acquiring unit operable to acquire shooting time information for the acquired image (Figs. 6A-6C; Col. 6 line 52- 65);

an object information acquiring unit operable to acquire object information (person, place, or other data, Fig. 6C;image, Fig. 6C) for the acquired image (Col. 7, lines 39-52);

a retrieving unit operable to retrieve a title candidate (Figs. 9A-9D;Golf or Party and etc) among the title candidates (Event , Fig. 9C or Golf or Party and etc) prestored by said storage unit, that matches the shooting time information (Fig. 9D, TIME 1993/01/22 12:28) and the object information(TIME, PERSON, PLACE OR OTHER DATA) (Col. 6, lines 10-37; Col. 8, lines 6-48);

a presentation unit operable to present character sequences (Fig. 9A and 9B;), to a user, that are a combination of the title candidate (Figs. 9A and 9B, GOLF is a title candidate, and time information is 8:00 to 17:00 and January 22, 1993 which is presented to a user on display) retrieved by said retrieving unit and shooting time information (8:00 to 17:00 and January 22, 1993 or 1993/01/22/08:00-1993/01/22/17/00) acquired by said shooting time acquiring unit (Col. 8, lines 6-48); and an image data storage unit operable to store therein a title determined by the user, together with data concerning the acquired image (Fig. 6C and 9D) (Col. 8, lines 6-48).

As to claim 2, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses wherein said storage unit prestores therein schedule information indicating scheduled activities of persons (Fig. 4B), together with date/times (Fig. 4B, 1) corresponding to the scheduled activities (Fig. 4B, 0 and 5), the title candidates are the scheduled activities indicated in the schedule information (Fig. 9C), said retrieving unit detects a person from the object information (person, place, or other data, Col. 8, line 40-48) acquired by said object information acquiring unit (Fig. 9D; Col. 8, lines 40-48, images are searched and displayed) and retrieves a scheduled activity of the detected person from the schedule information prestored by said storage unit (Fig. 9C, Golf), and said presentation unit presents character sequences comprising the scheduled activity retrieved by said retrieving unit (Fig. 9C, Golf).

As to claim 5, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses wherein said presentation unit presents a list of title candidates (Fig. 4B) in an order of (i) a title candidate being a scheduled activity that matches the shooting time information (Fig. 4B, 1) and the object (Fig. 4B, 2) information, and (ii) one or more title candidates corresponding to one or more events in an order of a highest to a lowest correspondence level (Fig. 4B).

As to claim 6, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses wherein said presentation unit presents title candidates that contain a name that is extracted from the personal information concerning the object in the acquired image for which said object

information acquiring unit has acquired the information(Fig. 4A-4C, Col. 7, lines 10-46).

As to claims 7 and 8, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses further comprising: a title determining unit operable to determine the title of the acquired image based on a user input selecting one character sequence among the character sequences presented by said presentation unit; and an image storage unit operable to store the acquired image and the title determined by said title determining unit with an indication of a correspondence between the acquired image and the title (Col. 8, lines 6-48).

As to claim 9, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi further comprising a still picture attaching unit operable to extract a still picture from the acquired image and attach the extracted still picture to the schedule information in correspondence with the retrieved scheduled activity retrieved by said retrieving unit (Col. 7, lines, 10-46)., if the title determining unit determines one character sequence among the character sequences containing the retrieved scheduled activity as the title (Col. 8, lines 6-48).

As to claims 13 and 14, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. Mizoguchi further discloses wherein said presentation unit presents a plurality of character sequences, to the user, as title candidates for the title of the acquired image (Figs. 9A-9D; Col. 8, lines 6-48), and said title determining unit determines, as the title of the acquired image, one character sequence selected by the user from the plurality of character sequences (Figs. 9A-9D; Col. 8, lines 6-48).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,805,215 to Mizoguchi in view of U.S. Patent 6,661,906 B1 to Kawade et al. "Kawade".**

As to claim 3, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses further comprising a personal information storage unit operable to prestore therein personal information concerning the persons, comprising an indication of gender of the persons (Fig. 4b, 2, Names), wherein the title candidates include names of general yearly events (Fig. 4B, 0, Golf or Party), said storage unit prestores names of objects (Fig. 4B, 2, Names) for general yearly events (Fig. 4B, 0, Golf or Party), each piece of the information corresponding to an event name (Fig. 4B, 0, Golf or Party), said retrieving unit detects a person from the object information acquired by said object information acquiring unit, and reads a piece of personal information corresponding to the detected person, from said personal information storage unit, and retrieves an event name that matches the read piece of personal information, and said presentation unit presents character

sequences containing the event name retrieved by the retrieving unit(Fig. 6A-6C, Col. 7, lines 10-46). Mizoguchi does not expressly disclose prestoring information concerning gender and age of objects.

Kawade discloses prestoring information concerning gender and age of the objects (Col. 5, lines 42-54).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Mizoguchi with the teachings of Kawade. Motivation to combine would have been to provide comprehensive information for an image.

As to claim 4, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. Mizoguchi does not expressly disclose wherein said personal information storage unit further prestores therein information concerning age of the persons.

Kawade discloses wherein said personal information storage unit further prestores therein information concerning age of the persons (Col. 5, lines 42-54).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Mizoguchi with the teachings of Kawade. Motivation to combine would have been to provide comprehensive information for an image.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks- Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/A. K./
Examiner, Art Unit 2621